

**BEFORE THE STATE BOARD OF MEDIATION**

**STATE OF MISSOURI**

CIVILIAN PERSONNEL DIVISION,	)	
ST. LOUIS POLICE OFFICERS	)	
ASSOCIATION,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Public Case No. 84-116
	)	
CITY OF ST. LOUIS, BOARD OF	)	
POLICE COMMISSIONERS,	)	
	)	
Respondent.	)	

**JURISDICTIONAL STATEMENT**

This case comes before the State Board of Mediation upon the Petition of the Civilian Personnel Division, St. Louis Police Officers Association (hereinafter, C.P.D. or Petitioner) for certification as public employee representative of certain employees of the City of St. Louis, Board of Police Commissioners (hereinafter Respondent). A hearing was held on June 25, 1984 in St. Louis, Missouri, at which representatives of the Petitioner and Respondent were present. The case was heard by State Board of Mediation Chairman Mary Gant, employer member William Hunker, and employee member James O'Mara. The State Board of Mediation is authorized to hear and decide issues concerning appropriate bargaining unit determinations pursuant to Section 105.525, R.S.Mo. 1978.

At the hearing, the parties were given full opportunity to present evidence. The Board, after careful review of the evidence, sets forth the following findings of fact and conclusions of law.

### **FINDINGS OF FACT**

Petitioner seeks to represent a unit of all civilian employees of the City of St. Louis Board of Police Commissioners except those otherwise excluded as professional, confidential or supervisory employees. Respondent is the governing body of the St. Louis Police Department. The petitioning Police Officers Association, Civilian Personnel Division, is a labor organization formed to represent employees of the Board of Police Commissioners. Evidence adduced at the hearing indicates that the C.P.D. is an autonomous unit spawned by the Police Officers Association. The by-laws of the Police Officers Association have been amended to provide for the Civilian Personnel Division. The C.P.D. was formed for the purpose of representing only the civilian employees of the Board of Police Commissioners. The C.P.D. has or will have its own by-laws and is to be governed by its own executive board. The uniformed officers are not eligible for membership in the C.P.D. The C.P.D. does, however, depend upon the Police Officers Association for certain financial and logistical support. Civilian employees holding the status of supervisors, as stipulated by the parties, or as determined by the board below, are not eligible for membership in the C.P.D.

The civilian employees in question work closely with uniformed police officers. As an example of the integration of the duties performed by the uniformed police officers and the civilian personnel, the Respondent presented evidence concerning two positions -- dispatcher and complaint evaluator.

There are approximately 38 civilian dispatchers and six uniformed officers involved in dispatching duties. The uniformed officers and the civilian dispatchers are supervised at all times by a uniformed police officer known as the Watch Commander. On each shift, there are at least two uniformed officers present who serve as floor supervisors to the civilian employee dispatchers. Said uniformed officers are always present to advise civilian dispatchers if problems arise and provide back-up help if

needed. On occasion, due to illness or other absences, the uniformed officers will fill in for the civilian dispatchers.

The dispatchers relay information to police officers in the field. For instance, should a police officer need aid in the field, the dispatcher will send another police officer to the trouble location, keeping in constant contact with the dispatched officer. During the pursuit of a suspected criminal, a dispatcher must anticipate routes of travel the suspect might take and advise the police officer accordingly. During such a pursuit, the dispatcher must notify the Watch Commander of the situation who, based on the information given by the dispatcher, decides whether to continue pursuit or take other action. The complaint evaluators answer all incoming telephone calls, both emergency calls and routine inquiries. There are 33 civilian employees and ten uniformed police officers in the Complaint Evaluation section. Uniformed police officers are always present to assist the complaint evaluators. The calls answered by the complaint evaluators are primarily calls made on the 911 emergency number. Upon receiving a call, the complaint evaluator obtains the proper address if a police officer need be dispatched or will otherwise direct the caller to another telephone number for the appropriate help. If a police report need be written, the call is transferred to a uniformed officer. During a true emergency, such as a crime in progress, the complaint evaluator becomes, in effect, a dispatcher by pressing a key which activates an all points bulletin that alerts officers of the crime. Typically, however, the complaint evaluator enters information into an electric writer which informs a dispatcher, who in turn dispatches a police vehicle to the scene.

The dispatcher and complaint evaluator, as with the other civilian employees, do not wear uniforms, do not carry weapons and have no authority to make arrests, but instead provide essentially support services for the uniformed branch.

There are in dispute several classifications of employees in the proposed bargaining unit. A discussion of those positions follows:

Chief Clerk. The Chief Clerk of the Records and Identification Division is in charge of three clerks with each having been traditionally assigned a separate function. One processes liquor license applications and violations; one maintains the microfilm books and the third handles distribution of reports. The Chief Clerk does not regularly assign work and would do so only to meet unusual job requirements. On occasion, the Chief Clerk may issue written reprimands to other employees but may do so only after consultation with her supervisor. The Chief Clerk spends much of her time doing the same work as her subordinates. She plays no role in the hiring, transfer or promotion of other employees.

Evaluation Analyst. The Evaluation Analyst falls within the Planning and Development Division. The position requires both data processing and development of research projects. The incumbent holds a master degree in public administration and research design. The position requires a bachelors degree and pursuit of a masters degree. Ninety percent of his projects require the exercise of discretion.

Intelligence Unit - Secretary. The Secretary of the Intelligence Unit is regularly assigned work of a confidential nature. She routinely types sensitive correspondence both for dissemination within and without the Police Department. She does on occasion become aware of confidential information involving Police Department employees.

Intelligence Unit - Stenographer. The Intelligence Unit Secretary and Stenographer are overlapping classifications; they share many of the same duties. As with the Secretary, the Stenographer is routinely exposed to confidential matters occasionally involving Police Department personnel.

Word Processing Machine Operator. The Office Automation Coordinator supervises nine Word Processing Machine Operators. He must assign for typing documents from the Internal Affairs Department. These frequently involve sensitive matters including disciplinary actions against Police Department employees. The primary duties of the machine operators are typing and filing. The access to confidential

matters by the Word Processing Machine Operators is both limited and controlled by the Automation Coordinator and the use of access codes.

Research Assistant. The incumbent Research Assistant did not have a bachelors degree at the time he assumed the classification. However, he had considerable experience as a Research Specialist. He now has a masters degree which is particularly useful in the job. The position requires the exercise of judgment and discretion. Typical projects involve developing and analyzing alternative solutions to problems and making recommendations to the Chief of Police.

Warehouse Supervisor. The Warehouse Supervisor is responsible for receiving and dispensing all supplies for the Police Department. She is in charge of five employees. Over half of her time is spent entering orders into the computer. she exercises independent judgment in recommending raises and has limited authority to impose discipline, although final decisions regarding disciplinary matters are made by her superiors. The Warehouse Supervisor also schedules work and spends a substantial amount of time checking the performance of her subordinates.

Lead Multi-lith Operator. The Lead Multi-lith Operator is in charge of three print shop employees and two mail room employees. These employees also receive direction from the next higher level of supervision. The supervisory duties regarding the mail room employees are limited to twice monthly visits. Though the position is responsible for assigning work, the duties are highly standardized. The Lead Multi-lith Operator spends 20% of the time operating equipment. The position exercises no disciplinary authority.

Fleet Services Division Shift Superintendent. The position of Fleet Services Division Shift Superintendent is responsible for maintenance of the police vehicles and is in charge of 11 mechanics. Virtually all of this employee's time is devoted to assigning work to the mechanics and inspecting their progress. He does not do repair

work himself. The Shift Superintendent effectively recommends discipline and has effectively recommended promotion. He is not involved in hiring or personnel transfers.

Fleet Services Division Office Supervisor. The Fleet Services Division Office Supervisor four subordinate employees. Each has a definite assignment and work frequently comes directly to them without being assigned by the Office Supervisor. The Office Supervisor spends 50% of his time doing his own work. He handles complaints and is involved in training and motivation. He does not effectively promote or terminate employees. The Office Supervisor's involvement in the hiring process is limited to interviewing prospective employees.

Parts Manager. The Parts Manager has one subordinate employee. He has no authority to discipline and performs the same tasks as the other employee in the parts department. He spends no time in supervision as the other employee has standard instructions under which he operates.

Satellite Supervisor. The Satellite Supervisor directs the work of six to seven employees. He has no day to day control over his subordinates as they are under the control of the Watch Commander. The Satellite Supervisor is not involved in the hiring process and has no disciplinary authority. He is involved with promotions and reassignment. He spends approximately 10% of his time checking work of his employees.

Records Clerk Supervisor. The Records Clerk Supervisor assigns work. Much of the job involves seeing that the work gets done properly. The Clerk Supervisor effectively recommends discipline of three employees in the Records Unit. Approximately 25% of her time is devoted to doing the same work as her subordinates.

Paymaster. The Paymaster is paid \$30,000.00 per year in her Grade 27 position and is responsible for a bi-weekly payroll of approximately two million dollars. She assigns work to subordinate employees, whose highest pay range is 11. The Paymaster shares authority for hiring, discipline and promotion.

## **CONCLUSIONS OF LAW**

The issues raised at the hearing and by post-hearing briefs are:

- I. ARE THE CIVILIAN EMPLOYEES OF RESPONDENT "POLICE" WITHIN THE MEANING OF SECTION 105.510, RSMo. 1978?
  - II. IS THE CIVILIAN PERSONNEL DIVISION A "LABOR ORGANIZATION" THAT MAY BE RECOGNIZED AS A PUBLIC EMPLOYEE REPRESENTATIVE?
  - III. IF THE CIVILIAN PERSONNEL DIVISION IS A "LABOR ORGANIZATION" IS IT NONETHELESS INAPPROPRIATE TO CERTIFY THE C.P.D. AS AN EMPLOYEE REPRESENTATIVE BECAUSE OF THE C.P.D.'S AFFILIATION WITH THE POLICE OFFICERS ASSOCIATION?
  - IV. IS THE CIVILIAN PERSONNEL DIVISION AN INAPPROPRIATE PUBLIC EMPLOYEE REPRESENTATIVE BECAUSE IT IS DOMINATED BY SUPERVISORS?
  - V. SHOULD CERTAIN CLASSIFICATIONS BE EXCLUDED FROM THE BARGAINING UNIT BECAUSE THEY ARE EITHER SUPERVISORY, PROFESSIONAL OR CONFIDENTIAL?
- I. ARE THE CIVILIAN EMPLOYEES OF RESPONDENT "POLICE" WITHIN THE MEANING OF SECTION 105.510, RSMo. 1978?

Respondent argues, using the positions of the dispatcher and complaint evaluator as prime examples, that the civilian personnel which would comprise the proposed unit are "police" or that said employees so nearly assume the duties of police so as to be indistinguishable for the purposes of construing Section 105.510, RSMo. 1978. That statute provides in part:

Employees, except police, deputy sheriffs, Missouri State Highway Patrolmen, Missouri National Guard, all teachers of all Missouri schools, colleges and universities, of any public body shall have the right to form and join labor organizations and present proposals to any public body relative to salaries and other conditions of employment through the representative of their own choosing (emphasis added).

While it is true that the civilian personnel of the respondent are imminently connected with the police function, the Board is not convinced that the legislature intended that the

exclusion of "police" justifies the exclusion of the civilian employees supporting a police department. One must consider that all citizens have the right preserved by the First Amendment of the United States Constitution and Sections 8 and 9 of Article I of the Missouri Constitution, to peacefully assemble and organize for any purpose, to speak freely and present their views and desires to any public officer or legislative body and the right of collective bargaining as that term is usually understood in the private sector. State ex. rel. O'Leary v. Missouri State Board of Mediation, 509 SW2d 84 (Mo. 1974). Certain categories of employees may be constitutionally excluded from our "meet and confer" statute only for compelling reasons. The legislature clearly and specifically excluded police from Section 105.510, with said exclusion being ruled constitutional in State ex. rel. Missey v. City of Cabool, 441 SW2d 35 (Mo. 1969). However, the legislature specifically excluded police, not those employees who work closely with police. In effect, respondent is asking the Board to deny the rights granted in Section 105.510 to employees not specifically excluded by that statute. In view of the lack of specificity in the state (i.e., Section 105.510 does not exclude those employees supporting police) the Board finds that the employees in question are not excluded and therefore the petition should not be dismissed.

The second interrelated question before the Board is whether the employees are not merely police support personnel but instead true "police" and therefore are specifically excluded by the statute. Admittedly, there is little case law to which the Board can look for guidance. However, in St. Louis County Police Officers Union Local 844 v. Gregory, 622 SW2d 713 (Mo.App.1981), the Missouri Court of Appeals indirectly dealt with the definition of "police" within the meaning of the statute. In that case, the Court emphasized that the peace officers involved worked on patrol, exercised police powers, carried badges indicating police status and were required to carry firearms. In the case before the Board, the role of civilian employees of the police department is clearly to provide support. The civilian employees, including the dispatchers and



complaint evaluators, do not engage in the traditional functions of police officer. They do not carry weapons; they do not make arrests. Instead their role is distinct from that of a police officer. It would not be in the keeping with the purposes of the statute to blur the distinction between the uniformed officer and the civilian employee. The Board, therefore, concludes that the civilian employees of the police department are not "police" within the meaning of Section 105.510 and thus may be properly included in the unit.

II. IS THE CIVILIAN PERSONNEL DIVISION A "LABOR ORGANIZATION" THAT MAY BE RECOGNIZED AS A PUBLIC EMPLOYEE REPRESENTATIVE?

The evidence clearly establishes that the Police Officers Association is a labor organization. That organization has effectively created a Civilian Personnel Division which is a distinct entity though affiliated with the Police Officers Association. C.P.D. is a self-governing body and the Board is satisfied that it is a labor organization.

III. IF THE CIVILIAN PERSONNEL DIVISION IS A "LABOR ORGANIZATION", IS IT NONETHELESS INAPPROPRIATE TO CERTIFY THE C.P.D. AS AN EMPLOYEE REPRESENTATIVE BECAUSE OF THE C.P.D.'S AFFILIATION WITH THE POLICE OFFICERS ASSOCIATION?

Respondent argues that since the C.P.D. is so closely connected with the Police Officers Association, public policy prohibits the certification of a public employee representative which represents employees excluded by Section 105.510. The Board addressed a similar issue in St. Genevieve Federation of Classified Employees Local 4126, American Federation of Teachers, AFL-CIO v. St. Genevieve School District R-2, Public Case No. 80-036 (SBM 1982). In that case, the Board certified a union that represented both teachers (excluded by Section 105.510) and non-teachers. Applying the precedent set in St. Genevieve, we find no statutory or public policy prohibition that

would preclude the certification of a public employee representative simply because it is associated with a union which represents employees excluded by Section 105.510.

IV. IS A CIVILIAN PERSONNEL DIVISION AN INAPPROPRIATE PUBLIC EMPLOYEE REPRESENTATIVE BECAUSE IT IS DOMINATED BY SUPERVISORS?

Respondent argues that the C.P.D. should not be certified as public employee representative because it is allegedly dominated by supervisors. No convincing evidence was presented which would indicate that the C.P.D. is dominated by civilian employee supervisors. Further, as set out in more detail below, the employees in question which are supervisors are excluded from the bargaining unit and therefore, it cannot be argued that the C.P.D. is dominated by said supervisory employees.

V. SHOULD CERTAIN CLASSIFICATIONS BE EXCLUDED FROM THE BARGAINING UNIT BECAUSE THEY ARE EITHER SUPERVISORY, PROFESSIONAL OR CONFIDENTIAL?

"Confidential" Employees:

The Board has long recognized that confidential employees are to be excluded from the appropriate bargaining unit. In Miscellaneous Drivers and Helpers Union Local No. 610 v. City of Arnold, Case No. 75-120 (SBM 1976), the Board ruled that an individual is an excludable confidential employee if said individual assists and acts in a confidential capacity to persons who formulate, determine and effectuate management policies in the field of labor relations. Subsequently, the Board in Missouri-National Education Association v. Belton School District, Public Case No. 81-015 (SBM 1982), broadened that definition stating that an employee must be considered confidential, and thus not an employee under Section 105.510, if there exists a confidential relationship between the employee and managerial or supervisory employees.

Applying this standard, the Board can only conclude that the Intelligence Unit Secretary and the Intelligence Unit Stenographer are confidential employees. The very nature of their work puts them into a position of reviewing, on an on-going basis, sensitive materials sometimes related to employees. No controls exist that could screen such sensitive matters from these classifications. The Board concludes that the Intelligence Unit Secretary and Stenographer are indeed confidential and they are excluded from the bargaining unit.

Unlike the Intelligence Unit personnel, the Word Processing Machine Operators' access to confidential information is both limited and controlled. By utilizing discretion in the assignment of work and by using computer access codes, management is able to effectively screen the work assigned to this classification. While it is no doubt certain that Word Processing Machine Operators will come into contact with what would be considered confidential material on an occasional basis, the existence of the controls effectively insulates management from any compromising position. The Board concludes that Word Processing Machine Operators are not confidential employees and therefore they are included in the bargaining unit.

"Professional" Employees:

In Service Employees International Union v. Division of Employment Security, Public Case No. 84-111 (SBM 1984), the Board held that "professional" employees lack a community of interest with other non-professional employees. The factors to be considered in determining whether an employee is an excludable professional include whether the employees is engaged in work (1) which is predominately intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (2) which requires the consistent exercise of discretion; and (3) which requires an advanced educational degree.

Applying these factors to the position of Evaluation Analyst, the Board concludes that the Evaluation Analyst is a professional and should be excluded from the bargaining

unit. This position requires advanced degrees and the job duties require constant use of discretion unchecked by superiors.

Similarly, the Research Assistant must be considered a professional employee. Though this position does not require a graduate degree, it is clear that having advanced education enhances the role played by this classification. The record as a whole indicates that the Research Assistant consistently exercises discretion in his work which must be characterized as intellectual in nature.

"Supervisory" Employees:

The Board has recognized that certain employees possess sufficient supervisory status to warrant their exclusion from a bargaining unit of other employees. In Golden Valley Registered Nurses Association v. Golden Valley Memorial Hospital, Public Case No. 102 (SBM 1980), and other cases, this Board has articulated factors to be used in determining the supervisory status of employees. The critical distinction to be reached is whether the duties of a position involve acting directly or indirectly in the interest of the employer in relation to other employees or whether the employee is merely a working foreman whose responsibilities would not justify exclusion from an appropriate bargaining unit. The factors to be considered in making this distinction include: (1) the authority to effectively recommend the hiring, promotion, transfer, discipline or discharge of employees; (2) the authority to direct and assign the work force; (3) the number of employees supervised and the number of other persons exercising greater, similar or lesser authority with respect to the same employees; (4) the level of pay, including an evaluation of whether a person is paid for his or her skill or his or her supervision of other employees; (5) whether a person primarily supervises an activity or primarily supervises other employees; (6) whether a person is a working supervisor or whether he or she spends a substantial majority of work time overseeing others; and (7) the amount of independent judgment and discretion exercised in the supervision of employees.

An application of the above factors to the facts of the case before the Board is as follows:

The Chief Clerk does not regularly assign work, but only monitors three clerks and does not participate in the hiring or promoting of other employees. Consequently, the Board concludes that the position of Chief Clerk is not supervisory and should be included in the bargaining unit.

The Warehouse Supervisor supervises five employees. A substantial amount of time is spent entering orders into a computer which indicates that the Warehouse Supervisor is a working foreman. Some disciplinary authority does rest with the position though ultimate decisions on discipline and personnel changes rests with the next higher level of supervision. The Board concludes that the Warehouse Supervisor is a working foreman and not a true supervisor. The classification is included in the bargaining unit.

The Lead Multi-lithe Operator directs five employees yet makes only two visits per month to the mail room and cannot be said to effectively supervise the two mail room employees. Work is assigned evenly and with limited exercise of discretion. The position lacks disciplinary authority. The Board concludes that the Lead Multi-lith Operator is not supervisory and the position is included in the bargaining unit.

The Fleet Services Division Shift Superintendent oversees eleven mechanics. A substantial majority of his time is spent assigning work to the mechanics and inspecting their work. It is significant that the Shift Supervisor does not himself do maintenance work. The evidence as a whole supports the Board's conclusion that the shift superintendent effectively recommends discipline and promotion. These factors viewed together indicate that the Fleet Services Division Shift Superintendent possesses true supervisory status and is thus excluded from the bargaining unit.

The Fleet Services Division Office Supervisor is in charge of four employees. Work assignments for these employees frequently come to them directly and not

through the Office Supervisor. The incumbent does not effectively promote or terminate employees. Approximately one-half of the Office Supervisor's time is spent doing his own work. The Board concludes that the Fleet Services Division Office Supervisor is a working foreman and not a true supervisor and, therefore, the classification is included in the bargaining unit.

The Parts Manager is in charge of only one other employee. He has no authority to discipline and virtually no time is spent in supervisory activities. The Parts Manager performs the same duties as the other employee. The board concludes that the Parts Manager is a non-supervisory position and it is included in the bargaining unit.

The Satellite Supervisor directs the activities of six to seven employees. The incumbent confesses having no day to day control over the employees. Rather, the Watch Commander appears to be the supervisor of these employees. Only 10% of the Satellite Supervisor's time is spent overseeing the work of the employees. The Board concludes that the position of Satellite Supervisor is, in reality, that of a working foreman and, therefore, the classification is included in the bargaining unit.

The Records Clerk Supervisor, although supervising only three employees, satisfies the standards of supervisory status. She assigns work and the majority of her time is spent seeing that the work gets done. She effectively recommends discipline and spends only 25% of her time doing her own work. The Board concludes that the Records Clerk Supervisor is a supervisory position and it is excluded from the bargaining unit.

The Paymaster oversees the work of five employees. She shares authority for hiring, discipline and promotion. She is a Grade 27 and earns \$30,000.00 per year. The highest grade among her subordinates is a Grade 11. The Paymaster participates in interviewing prospective employees, assigns work, and is responsible for a bi-weekly payroll of \$2,000,000.00. In view of the foregoing, especially taken into consideration

the great difference in pay, the Board concludes that the position of Paymaster is supervisory and the position is excluded from the bargaining unit.

### **DECISION**

It is the decision of the State Board of Mediation that an appropriate unit of employees consists of the following:

All civilian employees of the City of St. Louis board of Police Commissioners with the exception of those employees listed on Exhibit A attached hereto and incorporated herein by reference. Also excluded from the unit are the following classifications discussed above: Intelligence Unit Secretary, Intelligence Unit Stenographer, Evaluation Analyst, Research Assistant, Fleet Services Division Shift Superintendent, Records Clerk Supervisor, and Paymaster.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, as early as possible, but no later than sixty (60) days from below. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. Eligible to vote are those in the unit who were employed during the payroll period immediately preceding the date below including employees who did not work during that period because of vacation or illness. Ineligible to vote are those employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date. Those eligible to vote shall vote whether they desire to be represented for the purpose of exclusive recognition by Petitioner, Civilian Personnel Division, St. Louis Police Officers Association.

It is hereby ordered that the Respondent shall submit to the Chairman of the State Board of Mediation, as well as to the Petitioner, without fourteen (14) days from the date of receipt of this decision, an alphabetical list of the names and addresses of

employees in the unit determined above to appropriate who were employed during the designated payroll period.

Signed this 4th day of February, 1985.

STATE BOARD OF MEDIATION

/s/ Mary L. Gant

MARY L. GANT, Chairman

WILLIAM HUNKER, Employer Member

/s/ James O'Mara

JAMES O'MARA, Employee Member



## **EXHIBIT A**

### **Positions Excluded by Stipulation**

1. Accounting Supervisor
2. Administrative Assistant I
3. Administrative Assistant II
4. Auditor, Internal
5. Audit Clerk
6. Body Supervisor
7. Body Supervisor Assistant
8. Chief Photographer
9. Information Clerk
10. Information Clerk I
11. Information Clerk II
12. Computer Section Supervisory
13. Controller
14. Criminalist I
15. Criminalist II
16. Custodian Supervisor
17. Custodian Supervisor Assistant
18. Employee Benefits Representative
19. Executive Secretary
20. Fingerprint Technician Supervisor
21. Legal Advisor
22. Legal Advisor Assistant
23. Librarian
24. Medical Director
25. Medical Director Assistant
26. Medical Director Associate
27. Medical Division Administrator
28. Medical Secretary
29. Nurse, Registered
30. Nurse, Supervisor
31. Personnel Analyst
32. Personnel Assistant
33. Personnel Director
34. Personnel Director Assistant
35. Personnel Interviewer
36. Personnel Representative
37. Physician, Chief
38. Physician, Staff
39. Program Director
40. Program Analyst I
41. Program Analyst II
42. Program Analyst, Sr.
43. Public Information/Grants Director
44. Repair Supervisor
45. Research Associate
46. Secretary to the Board

- 47. Secretary, Legal
- 48. Service Manager
- 49. Superintendent of Buildings
- 50. Superintendent of Buildings Assistant
- 51. Superintendent of Purchasing
- 52. Superintendent of Supplies
- 53. Superintendent of Reports and Records
- 54. Systems Development Manager
- 55. Senior Systems Programmer
- 56. Part-time Consultant
- 57. Office Automation Coordinator
- 58. Director, Police Academy
- 59. Accountant, Police Academy
- 60. Research Assistant, Police Academy

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

CIVILIAN PERSONNEL DIVISION,	)	
ST. LOUIS POLICE OFFICERS	)	
ASSOCIATION,	)	
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Petitioner,	)	
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CITY OF ST. LOUIS, BOARD OF	)	
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	)	
Respondent.	)	

**DISSENT**

I dissent with the majority decision with respect to the inclusion in the bargaining unit of employees in the job classification of dispatcher and complaint evaluator.

Petitioner's brief lists fourteen job classifications that it contends and argues should be included in the unit. Dispatchers are not mentioned in its brief and complaint evaluators are referred to in the general discussion that precedes the listing of the specific fourteen job classifications it wants included.

According to Table 12 Civilian Personnel December 31, 1982, there were thirty-eight (38) Dispatchers and thirty-three (33) Complaint Evaluators. Together the employees in these two classifications constitute a relative large number of the total employees in the proposed unit. In fact, according to Table 12, the largest number of employees in any of the classifications is dispatcher and the second largest is complaint evaluator.

The testimony of Lieutenant J.R. Canada (Tr. 380-390) states in detail the very active and essential role of dispatchers and complaint evaluators in the detection and prevention of crime and the apprehension of criminals. Evaluating telephone calls, including emergency calls, to the police in a large metropolitan area and dispatching

police requires judgment and decisions that are as vital to the police function as actions taken in response thereto (Tr. 382-387)

The communications service performed by dispatchers and complaint evaluators is critical to the maintenance of community of law and order. Their work is fully as necessary to these ends as is the service performed by commissioned officers.

The record and briefs clearly do not adequately support the inclusion of dispatchers and complaint evaluators in the bargaining unit. For the Board to include some sixty (60) employees in a bargaining unit without substantial reasons is not in the best interests of the state or public employees and is contrary to state statutory law.

The legislature excepted from the statute not policemen, policewomen or police officers or commissioned officers. Rather it excepted "police" from ". . . the right to form and join labor organizations . . .", signifying and intending to except all those individuals who are directly involved in the exercise of the police function.

For the foregoing reasons dispatchers and complaint evaluators should be excluded from the bargaining unit.

/s/ William L. Hunker  
William L. Hunker

Date 2/9/85

SEAL